

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PABLO CUMATZ,

Plaintiff,

-v-

LOTUS WEST CORP. and CARLOS
BARROZ,

Defendants.

22-CV-8153 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Defendant Lotus West Corp. was served on November 3, 2022. However, no appearance has been entered on Lotus West Corp.'s behalf, and no response to the complaint has been filed in the allotted time. Plaintiff has not moved for a default judgment.

Plaintiff is directed to notify the Court whether it intends to move for default judgment against Lotus West Corp., or if it has received any communication from that Defendant or its counsel regarding a response to the complaint.

Furthermore, there is no record showing that Plaintiff has served Defendant Carlos Barroz within the ninety-day period allotted under Rule 4 of the Federal Rules of Civil Procedure.

If Plaintiff fails by January 18, 2023, to either (1) file a letter concerning the status of the case, including an explanation as to whether service has been effected on Defendant Barroz, or (2) move for default judgment against Defendant Lotus West Corp., the action may be dismissed for failure to prosecute.

Plaintiff is directed to serve a copy of this order by mail on Defendants.

SO ORDERED.

Dated: January 4, 2023

New York, New York



J. PAUL OETKEN
United States District Judge